

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00074

ERIC NEAL

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 26, 2015, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Eric Neal, appeared in person and by his counsel, L. Thompson Price, for a hearing on the petition on supervised release submitted by United States Probation Officer Lilla Adkins. The defendant commenced a five-year term of supervised release in this action on November 29, 2013, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 17, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant violated federal and state law inasmuch as on October 28 and 29, November 10 and 13, and December 2, 2014, he sold heroin to cooperating individuals in the amounts of .7 gram, .9 gram, 1.3 grams, .7 gram and 1.3 grams, respectively, as evidenced by his admission on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; all as set forth in the petition on supervised release.

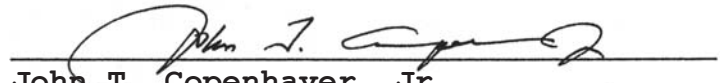
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWENTY-ONE (21) MONTHS, to be followed by a term of thirty-nine (39) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 3, 2015


John T. Copenhaver, Jr.
United States District Judge